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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,634	10/08/2003	Prakash Parayil Mathew	138065UL (MHM 15115US01)	6101
23446 7590 08/19/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER RAMIREZ, JOHN FERNANDO	
			ART UNIT 3737	PAPER NUMBER
			MAIL DATE 08/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,634	<b>Applicant(s)</b> MATHEW, PRAKASH PARAYIL	
	<b>Examiner</b> JOHN F. RAMIREZ	<b>Art Unit</b> 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/15/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,11,12,15,20 and 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13,14,16-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4-10 and 13-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-6, 8, 14, 16, 18-19, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,129,671) in view of ShamRao (US 2003/0088781) and in further view of Kinicki et al. (US 5,315,999).**

Hastings discloses a method and a system of registering to use a medical imaging system (abstract) by inputting a biometric identifier into a biometric authorization unit (abstract, col. 1, lines 40-54, col. 2, lines 19-39) to enabling imaging use of the medical imaging system when biometric data input at the biometric authorization unit matches stored biometric data (col. 2, lines 34-39), wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram (column 3, lines 20-40).

Hastings does not expressly teach the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the

personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number. However, ShamRao teaches the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number (In ShamRao, see abstract, figures 2-3, 7, see par. 0009-0013, 0031, 0061).

Hastings and ShamRao do not appear to specifically disclose that the user preference information is with respect to imaging capabilities of the medical imaging device. However, Kinicki et al. teach a method of entering, storing, retrieving and utilizing the configuration settings for a plurality of registered users of an ultrasound system:

- a. Entering configuration settings into the ultrasound imaging system for a plurality of the registered users (Column 2, Lines 36 - 37);
- b. Storing the entered configuration settings (Column 2, Lines 54 - 55);
- c. When enabling the individual to use the ultrasound imaging system retrieving the stored configuration settings for the individual (Column 2, Lines 56 - 57); and
- d. Automatically configuring the ultrasound imaging system according to the retrieved configuration settings (Column 2, Lines 23 - 59).

Accordingly, Kinicki complements the disclosing of Hastings by teaching a way to simplify the use of an ultrasound imaging system, and save time, by providing

predetermined preset modes. Therefore, it would have been prima facie obvious to modify the ultrasound imaging system and user authorization system and method of Hastings and ShamRao to include user preset modes as taught by Kinicki et al. to obtain the invention in the instant Claims 1, 10 and 19.

**Claims 7, 9, 10, 13 and 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings (US 6,129,671) in view of ShamRao (US 2003/0088781) and Kinicki et al. (US 5,315,999) as applied to claims 1, 16 and 19 above, and in further view of Wong et al. (US 6,260,021).**

Wong et al. discloses a method for medical image distribution from one or more existing image storage in communication with each other in a network (col. 1, lines 23-46) to a plurality of users at a client workstation using an image server (see abstract, fig. 1), wherein user information regarding use of the system by the user is stored (col. 10, lines 28-47), and user authorized data such as access information are stored (col. 13, lines 7-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Hastings, with the above discussed enhancements because such modifications would have provided to expand the domain of access and control of information transmitted between the medical image workstations.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN F. RAMIREZ whose telephone number is (571)272-8685. The examiner can normally be reached on (Mon-Fri) 7:00 - 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3737

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian L Casler/  
Supervisory Patent Examiner, Art  
Unit 3737

/J. F. R./  
Examiner, Art Unit 3737